Honolulu, Hawaii

FEBUAM 10, 2014

RE: H.B. No. 2513

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2513 entitled:

"A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES,"

begs leave to report as follows:

The purpose of this measure is to clarify judicial foreclosure procedures by specifying that attorney affirmations attesting to the accuracy of documents submitted in connection with a judicial foreclosure of residential property, as required under current law, are to be filed with the court at the time the foreclosure action is commenced.

A concerned individual testified in support of this measure. The Hawaii Bankers Association, Mortgage Bankers Association of Hawaii, and Hawaii Financial Services Association supported the intent of this measure.

Your Committee finds that section 667-17, Hawaii Revised Statutes, requires attorneys filing a judicial foreclosure action for residential property to submit an affirmation that the attorney has verified the accuracy of documents submitted in connection with the foreclosure action. However, the statute currently does not specify when the affirmation must be submitted, thus allowing attorneys to initiate a foreclosure action without information sufficient to warrant the action. This measure helps to prevent those unwarranted actions by requiring that the attorney affirmation be filed with the court at the time that the foreclosure action is commenced.

HB2513 HSCR LRB 14-0998.doc



As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2513 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

ANGOS L.K. MCKELVEY, Chair

## State of Hawaii House of Representatives The Twenty-seventh Legislatur

The Twenty-seventh Legislature 14sex 258-14

## Record of Votes of the Committee on Consumer Protection and Commerce

Bill/Resolution No.: Co	Committee Referral: Date:		02/0514	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)				
2. KAWAKAMI, Derek S.K. (VC)				
3. BELATTI, Della Au			1.7	
4. BROWER, Tom				
5. CACHOLA, Romy M.				
6. CREAGAN, Richard		· · · <u>-</u>	_	
7. EVANS, Cindy				
8. HAR, Sharon E.				/
9. ITO, Ken				
10. LEE, Chris		<u> </u>		
11. NAKASHIMA, Mark M.				
12. OSHIRO, Marcus R.				
13. TSUJI, Clift				
14. YAMANE, Ryan I.				
15. MCDERMOTT, Bob		* .		
16. THIELEN, Cynthia				
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TOTAL (16)			-	'\
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				